

Ex. E

In the Matter Of:

JAMES V. PAPD

1:22-cv-02463

RICHARD DIETRICH

April 06, 2023



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JAMES V. PAPD

April 06, 2023

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1
2 UNITED STATES DISTRICT COURT
3 FOR THE SOUTHERN DISTRICT OF NEW YORK

4 -----X
5 TRION JAMES,

6 PLAINTIFFS,

7 -against-

8 Case No.:
9 1:22-cv-02463

10 PORT AUTHORITY POLICE DEPARTMENT,
11 PORT AUTHORITY OF NEW YORK AND NEW JERSEY,
12 EDWARD CETNAR (HIS OFFICIAL CAPACITY),
13 CHRISTOPHER MCNERNEY
14 (IN HIS OFFICIAL CAPACITY) AND DOES 1-5,

15 DEFENDANTS.

16 -----X

17 DATE: April 6, 2023

18 TIME: 10:01 A.M.

19 DEPOSITION of a Non-Party Witness,

20 RICHARD DIETRICH, taken by the Respective Parties,
21 pursuant to a Subpoena and to the Federal Rules of
22 Civil Procedure, held at the office of Balestriere
23 Fariello, 225 Broadway, 29th Floor, New York, New
24 York 10007, before Germila Donald, a Notary Public
25 of the State of New York.

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A P P E A R A N C E S:

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2 there was some uniformed Port Authority presence
3 there. I believe sergeant responded and
4 subsequently a lieutenant. So I believe it was
5 after that.

6 Q. Do you recall if this was a daytime
7 event or a nighttime event?

8 A. No, it was in the evening.

9 Q. Evening?

10 A. Yeah.

11 Q. And if you could just humor me. How
12 do you define the evening?

13 A. I want to say 9:00, 10:00 at night.
14 Something like that.

15 Q. And what, if anything, did he tell
16 you about the event?

17 MR. RAFALAF: Objection.

18 MS. CHUNG: You can answer.

19 A. Just again, that it was an off-duty
20 Port Authority Sergeant. I believe he was late
21 for his reservation. He had some interaction
22 with the Observatory staff. Where I don't think
23 that necessary went well. He was a little rude
24 to them. He explained he was going to be late.
25 In turn, I think it was explained to him that

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2 typically there was a certain cutoff before
3 people can go upstairs, they would have to
4 check. He was going back and forth with the
5 staff. And then I think Tony or Anthony
6 Cotroneo was alerted to this by the guest
7 services staff. I think they had a conversation
8 at some point.

9 And again, Anthony Cotroneo tried to
10 assist. I think the original plan was to try to
11 get him up. But again, the behavior of the
12 gentleman was -- it didn't seem like there was
13 going to be any resolution to the situation.
14 So...

15 Q. When you say the behavior of the
16 individual, can you say more of what you
17 understand?

18 A. Use of foul language, maybe a raised
19 voice. That was my understanding of it.

20 Q. After you received a call from
21 Mr. Cotroneo, who, if anyone, did you speak to
22 next?

23 A. I don't think I spoke to anyone that
24 night. But I did speak to Mr. Bannon the next
25 morning. He was privy I believe to the email

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2 that was sent out that night.

3 Q. Did you speak to anyone else after
4 you spoke to Mr. Bannon?

5 A. No.

6 Q. Let me clarify. Did you speak to
7 anyone else about the October 21, 2021 incident
8 other than Mr. Bannon and other than
9 Mr. Cotroneo?

10 A. So couple of days later Port
11 Authority's AG office came. A Detective Louis
12 Morales I believe inquiring about video and I
13 believe a copy of the email. And he was looking
14 to speak with Mr. Cotroneo.

15 Q. Anybody else that you spoke to about
16 that incident that you can recall?

17 A. There was I think in the meeting
18 that when I met Mr. Morales, Detective Morales,
19 a female lieutenant there. I believe that was
20 his supervisor, but I don't recall the name.

21 Q. And anybody else that you can
22 recall?

23 A. That's it.

24 Q. So is it safe to assume that your
25 source of information for the night of

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2 October 21, 2021, is Mr. Cotroneo?

3 A. Yes.

4 Q. So you were not present for the
5 incident?

6 A. I was not.

7 Q. Is there any formal training
8 regarding the protocol for the management
9 handling of incidents at the World Trade Center?

10 A. So I think why they are hired in the
11 first place is because of their law enforcement
12 background and people interactions skills. So I
13 would say that is kind of where we hang our hat
14 with the training.

15 Q. So there is no formal training?

16 A. No.

17 Q. Did you know of or do you know Trion
18 James?

19 A. I do not.

20 Q. Have you heard his name prior to the
21 2021 incident?

22 A. I did not.

23 Q. Have you heard of his name since the
24 October 2021 incident?

25 MR. RAFALAF: Objection.